

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JANUARY 27, 2015 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

INVITATION TO BID

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a Long-Term Garage Parking Agreement, with a term of ten years, for 66 unreserved residential parking spaces in the York Street garage for the benefit of the tenants of the building located at **450 Boush Street**.

ACTION: This matter was withdrawn.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Edward McCullough**, to amend to the City's Future Land Use Map within the general plan, *plaNorfolk2030*, from Commercial to Multifamily and for a text amendment to the City's Zoning Ordinance to amend Section 10-13, "Courtney Avenue Urban Multiple-Use District (CAU-MU)" in order to revise development standards for the district.

Andy McCullough, 1401 Eleanor Court, the applicant, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *plaNorfolk2030*, SO AS TO change the land use designation for properties located at 1235 and 1237 Courtney Avenue and **1140 and 1148 East Princess Anne Road** from Commercial to Multifamily," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-1A

An Ordinance entitled, “An Ordinance to amend Section 10-13 of the Zoning Ordinance of the City of Norfolk, 1992, SO AS TO revise the name, the development standards, and the table of permitted uses for the Courtney Avenue Urban Multiple-Use District (CAU-MU),” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Kevin Hubbard**, for a change of zoning from R-7 (Single-Family) to Conditional R-8 (Single-Family) on property located at **980 Widgeon Road**.

Charles Schmitt, 2505 Broadbay Road, builder, was present to answer questions.

Garnzie West, 928 Widgeon Road, Cora Freeman, 955 Wolcott Avenue and Jacqueline Roberts, 955 Wolcott Avenue, were all present in support of this matter.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **980 Widgeon Road** from R-7 (Single-Family Residential) District to Conditional R-8 (Single-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to Blane J. Lorson and Kacey D. Lorson of certain parcels of property located at SS Swanson Road and NS Evans Street for the total sum of \$9,600.00 in accordance with the terms and conditions of the **Conveyance Agreement**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Blane J. Lorson and Kacey D. Lorson of certain parcels of property located at SS Swanson Road and NS Evans Street for the total sum of \$9,600.00 in accordance with the terms and conditions of the Conveyance Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an Automobile Sales and Service establishment known as ‘**Royal Auto Sales**’ on property located at **6210 East Virginia Beach Boulevard**, was introduced in writing and read by its title.
(Passed by at the January 13, 2015 meeting)

John Harris, 3840 Bay Oaks Avenue, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Smigiel, Williams, Winn, and Fraim.

No: Riddick and Whibley.

R-2

Matter of a letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit a convenience store, 24-hours (with fuel sales) known as ‘**7-Eleven**’ on property located at **800 East Brambleton Avenue**,” was introduced in writing and read by its title.

(Passed by at the January 13, 2015 meeting)

Steve Romaine, 999 Waterside Drive, attorney for applicant, spoke in favor of this matter.

ACTION: The Ordinance as introduced **LOST**.

Yes: Smigiel and Williams.

No: Johnson, Protogyrou, Riddick, Whibley, Winn, and Fraim.

R-2A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**7-Eleven**’ on property located at **800 East Brambleton Avenue**,” will be introduced in writing and read by its title.

(Passed by at the January 13, 2015 meeting)

ACTION: The Ordinance as introduced **LOST**.

Yes: Smigiel and Williams.

No: Johnson, Protogyrou, Riddick, Whibley, Winn, and Fraim.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance extending a **Special Exception** previously granted on December 16, 2014 by Ordinance No. 45,820 authorizing the operation of an entertainment establishment known as ‘**Sassi Cakes and Sweets**’ on property located at **330 West 22nd Street, Suites 104 and 105**,” was introduced in writing and read by its title.

Claus Ihlemann, 4545 Commerce Street, Virginia Beach, and Cedric Hill, 2012 Dawnee Brook, Chesapeake, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and a Resolution entitled, “A Resolution approving an amendment to the Service Agreement relating to the **Hampton Roads Regional Jail Authority**,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting Va-Norfolk-720-Boush Street, LLC to encroach into Boush Street right-of-way at **720 Boush Street** with an access ramp,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the United States of America through the United States Navy (“USN”) to encroach into City right-of-way at **7979 Hampton Boulevard** with underground directional boring and communication cabling,” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

An Ordinance entitled, “An Ordinance establishing single member wards for the elections of **School Board Members** with two members to be elected for terms commencing July 1, 2016,” was introduced in writing and read by its title.

Mark S. Askew, Sr., 877 Marietta Avenue, spoke in favor of this matter.

The following people spoke in opposition to this matter.

Shirley Smith, 926 Elm Street
Dr. Steve Tonelson, 1347 Bolling Avenue
Phillip Hawkins, 3597 Mississippi Avenue
Vicky Manugo-Greco, 1433 Brunswick Avenue
Peggy Scott, 8405 Friden Street
Rodney Jordan, 2506 Myrtle Avenue
Thomas Calhoun, 5443 Welaka Road
Tanya Bhasin, 1912 N. Brandon Avenue
Andria McClellan, 531 Warren Crescent
Amy Woods, 1209 Buckingham Avenue
Mary Simpson Jones, 7505 Paulin Court
Danny Lee Ginn, 3844 Dare Circle
Rev. Glen Jones, 2501 Kennon Avenue
Ellis James, 2021 Kenlake Drive

ACTION: The Ordinance as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Riddick, Williams, Winn, and Fraim.

No: Protogyrou, Smigiel, and Whibley.

R-8

An Ordinance entitled, “An Ordinance establishing a combination of the at large and ward methods for the popular election of **School Board Members** and requesting ratification of the method by the General Assembly.

ACTION: Not voted on.

R-9

Letter from the City Attorney requesting confirmation of Karla J. Soloria as an Assistant City Attorney I, effective February 9, 2015.

ACTION: Confirm the appointment.

Yes: Johnson, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

Absent: Smigiel.

R-10

A Resolution entitled, “A Resolution to authorize the expenditure of the funds appropriated for the Poverty Commission and to approve the granting of funds to certain non-profit organizations,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Whibley, Williams, Winn, and Frain.

No: None.

Absent: Smigiel.

R-11

A Resolution entitled, “A Resolution supporting the 2015 General Assembly Legislation for Virginia to participate in the Regional Greenhouse Gas Initiative (SB 1428 Mceachin/HB 2205 Villanueva),” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 27, 2015.

Yes: Johnson, Protogyrou, Riddick, Whibley, Williams, Winn, and Frain.

No: None.

Absent: Smigiel.

NEW BUSINESS

1. Ellis James, 2021 Kenlake Place, spoke on coal dust and having health monitoring testing on same.
2. Mary Simpson Jones, 7505 Paulin Court, spoke regarding an incident with the police on the Granby High School track.
3. Donald Hornstein, 608 Colonial Avenue, #5, spoke concerning the building at 161 Granby Street.
4. Danny Lee Ginn, 3845 Dare Circle, commented on good government.